

The Clerk of Court is directed to terminate the motion at Dkt. 61.

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SO ORDERED.



Arun Subramanian, U.S.D.J.

Dated: September 5, 2024

M. Todd Parker
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Via ECF

July 24, 2024

Honorable Katherine Polk Failla
United States District Court, SDNY
40 Foley Square, Room 2103
New York, NY 10007

Re: Milazzo v. Bank of New York Mellon, Case No. 23-cv-5427 (KPF)

Dear Judge Failla:

We represent Plaintiff Steven Milazzo. We write pursuant to the Court's Individual Practices Rule 9 and Section 8 of the Protective Order (ECF Doc. 30) to respectfully request leave to file under seal certain exhibits to (1) Plaintiff's Opposition to Defendant's Motion for Leave to Amend Its Answer and (2) Plaintiff's July 24, 2024 letter to the Court, both of which were filed today (ECF Docs 59 and 60). Plaintiff also seeks leave to redact quotations from or descriptions of the contents of exhibits in its Opposition Memorandum, the July 24 letter, and deposition excerpts.

The Protective Order requires that any party seeking to file documents designated "Confidential" request leave to file them under seal. (See ECF Doc. 30, § 8) On July 22, 2024, I asked for Defendant's counsel's consent to file six documents marked Confidential on the public docket. Counsel agreed that two of the six documents could be filed publicly but declined to consent to the other four, consisting of two sets of handwritten interview notes, two disciplinary memos, and BNY's November 23, 2021 EEOC Position Statement.¹ (See ECF Doc. 59, Exs. E, H, I, J, and L) Plaintiff also filed the same EEOC Position Statement under seal as Exhibit B to his July 24 letter.

Accordingly, Plaintiff respectfully requests leave to file the foregoing exhibits under seal and to redact descriptive references to the sealed documents in its Opposition brief, in the July 24 letter, and in any deposition transcripts, as necessary.

In accordance with the Court's Individual Practices Rule 9, Plaintiff will email clean and highlighted copies reflecting redactions to chambers. Thank you for the Court's consideration of this submission.

Respectfully submitted,

/s/ M. Todd Parker

M. Todd Parker

¹ While Defendant did not consent to filing the interview notes themselves on the public docket, Defendant did consent to filing testimony about the interview notes, with names and initials redacted.